

**REPORT - PLANNING COMMISSION MEETING  
October 24, 2002**

**Project Name and Number:** Tree of Life Church Planned District (PLN2003-00005)

**Applicant:** John Ha, IDA Inc., for Tree of Life

**Proposal:** To consider a rezoning from Community Commercial, Centerville Specific Plan Area, to Planned District, Centerville Specific Plan Area, and a Planned District Minor Amendment to allow the operation of a 300-seat religious facility and accessory educational uses within an existing commercial building.

**Recommended Action:** Approve, based on findings and subject to conditions.

**Location:** 4100 Peralta Boulevard, Centerville Planning Area

**Assessor Parcel Number(s):** 501-0536-002-06

**Area:** Site: 2.56 acres; Building: 35,390 square feet; Tenant Space: 10,192 square feet

**Owner:** Jawid (David) Siddiq

**Agent of Applicant:** N/A

**Consultant(s):** Mike Wu, Associate Engineering, Inc.  
John Ha, IDA Inc.

**Environmental Review:** This project is categorically exempt from CEQA review per Section 15301; Existing Facilities.

**Existing General Plan:** Community Commercial

**Existing Zoning:** C-C (CSPC); Community Commercial, Centerville Specific Plan Area

**Existing Land Use:** Multi-tenant commercial complex.

**Public Hearing Notice:** Public hearing notification is applicable. A total of 793 notices were mailed to owners and occupants of property within 1,000 feet of the site including on the following streets: Peralta Boulevard, Fremont Boulevard, Maple Street, Joseph Street, Central Avenue, and other nearby streets. The notices to owners and occupants were mailed on October 14, 2002. A Public Hearing Notice was delivered to The Argus on October 9, 2002 to be published by October 14, 2002.

**Executive Summary:** The applicant is seeking approval of Planned District zoning for this property and a Planned District Minor Amendment to allow the operation of a 300-seat religious facility with accessory educational uses. The use would normally require a Conditional Use Permit (CUP), however, Planned District zoning is required to allow the religious facility to maintain over 150 seats within the main worship area. Also, the Planned District zoning and Minor Amendment, with appropriate conditions, is required to properly regulate this use on the same site as two currently operating banquet halls (permitted under previous CUPs). Without the Planned District zoning and relevant conditions applicable to the entire site, it would be difficult to ensure compatibility between the existing uses, the proposed use, and the neighborhood.

**Background and Previous Actions:** Two banquet halls currently exist on site, permitted through previous CUPs: The Mirage (U-98-4) and The Flamingo Palace (U-98-3). The church is proposing to locate in the tenant space formerly occupied by The Great Entertainer, a pool hall and drinking place. In order to adequately address the potential impacts of the three uses, both individually and cumulatively, it was necessary to evaluate the site as a whole and prepare

appropriate conditions of approval based on all uses and their operational characteristics. The proposed Planned District Minor Amendment would supercede all previous use permits issued for the site. The previous conditions for The Mirage and The Flamingo Palace would be incorporated where appropriate.

**Project Description:** The proposed Planned District zoning would be applicable to the entire site, and would directly affect all three tenant spaces. Permitted uses would be as allowed under C-C zoning, except that additionally churches with over 150 person occupancy in the main hall would be permitted in existing commercial tenant spaces subject to the review of the Planning Commission (condition number 2 of Exhibit "C"). The Planned District Minor Amendment would regulate all uses on the site: The Flamingo Palace banquet hall, which has a maximum occupancy of 555 people; The Mirage banquet hall, which has a maximum occupancy of 299 people (both banquet halls are owned and operated by the property owner); and the proposed church facility, which would have room for 300 people in the main hall (and would be operated by an independent tenant, the Tree of Life Church).

No architectural or site plan modifications are proposed at this time. Any future signage would be obtained at a later time and would be subject to the requirements of the Fremont Municipal Code (FMC).

The site currently contains 201 parking stalls, and the property owner has provided a copy of a previously recorded parking agreement (for access to the parking lot at 4149 Peralta Boulevard, directly across the street from this site) providing an additional 52 spaces after 6:00 p.m. Total parking available for the site is 253 stalls.

Conditions of approval for the proposed rezoning and Minor Amendment would incorporate the conditions of previous use permits for the banquet halls, as well as include new conditions for the church and new conditions for the banquet halls to ensure the compatibility of the three uses.

#### **Project Analysis:**

- **General Plan Conformance:** The existing General Plan land use designation for the project site is Community Commercial. The following General Plan Goals, Objectives and Policies are applicable to the proposed project:

<u>Policy LU 2.11</u>	<u>Eating and drinking establishments... are allowed.</u> The proposed banquet facilities fall into this category and are consistent with the General Plan.
<u>Goal F 8</u>	<u>A diversity of residential, recreational, cultural, employment and shopping opportunities.</u> Allowing a church in this commercial tenant space would allow a mix of uses and intensities of the uses, allowing shared facilities such as parking to operate as efficiently as possible, while also meeting the intent of this goal.

- **Centerville Specific Plan:** This project is located within Subarea 5 of the Centerville Specific Plan. The plan states "the use of this area [should] include commercial uses along Maple Street..." and the appropriate provisions of the Fremont Municipal Code (FMC) shall regulate these commercial uses. This project complies with the intent and requirements of the Centerville Specific Plan.
- **Zoning Regulations:** The site is already fully developed, and there are no site plan or architectural changes proposed. As such, no discussion on setbacks, FAR, or other zoning requirements is presented. Parking and landscaping requirements are discussed later in this report.

Section 8-22145 of the FMC allows religious facilities on properties of greater than two acres and located on an arterial street. While this location does meet these requirements, there are multiple tenant spaces and the church use could have potential conflicts with the other uses of the site, especially in regard to parking. Because the site has multiple tenants and is an existing commercial space, a religious facility would normally be limited to 150 persons (with a Conditional Use Permit, as required by Section 8-21103). The proposed Planned District zoning, Minor Amendment, and accompanying conditions of approval would be established to regulate the peak intensities of the

uses to complementary rather than conflicting times, thus allowing the church to have a higher occupancy level than would otherwise be allowed.

Staff believes that the proposed church facility is compatible with the existing banquet halls, due to the difference in peak operating hours. The applicant has provided a matrix showing the expected periods and intensities of use for each of the tenants. The matrix shows proposed church activities generally taking place in the mornings and to a lesser extent on weeknights, and the existing banquet facilities uses taking place primarily at night and predominantly on weekend evenings, with only occasional, smaller, events being held during the weekday. It should be noted that no church activity is proposed for Saturday or Sunday nights and correspondingly no banquet facility event is proposed for Sunday morning or afternoon (condition number 19 of Exhibit "D"), which are the times that potential conflicts could occur. Furthermore, at no time would the site contain over 806 persons (condition number 3 of Exhibit "D"), which corresponds to the amount of available parking (discussed later in this report). The applicants have also indicated that the maximum site occupancy of 806 would very rarely be reached, and that early morning and lunch banquets are only occasionally booked (footnote 4 of the enclosed matrix).

Although no architectural changes are proposed, the church is likely to require signage. Currently, the existing tenant spaces are each allowed one building sign and one sign on an existing freestanding sign at the north corner of the parking lot. Staff has included conditions of approval requiring the freestanding sign, which is currently in disrepair, be rehabilitated (condition number 9 of Exhibit "D"). This includes repainting the structure and replacing all current sign panels with new sign panels. If a new monument or freestanding sign is proposed, all relevant provisions of the FMC shall be applied.

- **Planned District Analysis:** The Fremont Municipal Code requires that the following specific findings be made prior to the Planned District being established:

- (a) The proposed P district, or a given unit thereof, can be substantially completed by within four years of the establishment of the P district.

**Discussion:** The project site is already completely built out. This finding can be made for the project.

- (b) Each individual unit of development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under other zoning districts.

**Discussion:** Each of the existing and proposed uses can operate independently and can function within the neighborhood in a desirable and stable way. Allowing the variety of uses and intensities would allow the most efficient use of the property possible, an opportunity not available under existing zoning.

- (c) The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the P district.

**Discussion:** This project site is located at the corner of Peralta Boulevard and Maple Street, both designated as arterials in the General Plan. The streets are suitable and adequate to carry the anticipated traffic.

- (d) Any proposed commercial development can be justified economically at the locations proposed to provide for adequate commercial facilities of the types proposed.

**Discussion:** The commercial banquet facilities are existing and have proven economically viable for the owner. This finding can be made.

- (e) Any exception from the standard ordinance requirements is warranted by the design and amenities incorporated in the precise site plan, in accord with the adopted policy of the planning commission and the city council.

**Discussion:** Allowing the variation in the maximum capacity of the church facility, in the open space requirements, and in the type of parking provided (as discussed later and subject to conditions of approval) is warranted because it allows the site to operate in the most efficient manner possible without impacting adjacent properties.

- (f) The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.

**Discussion:** The surrounding neighborhood is already zoned and developed. The existing commercial center, as well as the existing and proposed uses, is compatible with the surrounding area.

- (g) The P district is in conformance with the general plan of the City of Fremont.

**Discussion:** As previously discussed, the project is consistent with the policies and goals of the Fremont General Plan.

- (h) Existing or proposed utility services are adequate for the population densities proposed.

**Discussion:** The project site is already completely built out, and already contains the appropriate utility services. This finding can be made for the project.

- **Architecture:** The proposed project is within an existing structure and fully improved site; as such no discussion on architecture is presented at this time. If the applicant proposes exterior architectural modifications, expansions, or other work, a Planned District Minor or Major amendment (depending on the type and extent of the work proposed) would be required.
- **Parking:** Section 8-22003 of the FMC requires parking for religious facilities of this type at a rate of one space per each five seats. Eating places require one space for each three and one half seats plus ten percent for employees or one space per each one hundred square feet net of storage, whichever is greater. For the existing and proposed uses, the following amounts of parking are required:

Facility	Seats	X	Ratio	=	Required Parking
The Mirage:	299*		1/3.5 seats +10%		94
The Flamingo Palace:	555*		1/3.5 seats +10%		174
Tree of Life Church:	300		1/5 seats		60
Total Seats:	1154			Total Required Parking:	328 spaces

(\*Capacities as previously approved under U-98-3 and U-98-4.)

As described in the project description, there are 253 available parking spaces available after 6:00 p.m. and on weekends, including the off-site parking allowed through agreements. This corresponds to a maximum site occupancy of 806 persons. There are 201 on-site parking spaces available during weekdays, which corresponds to a maximum site occupancy of 600 people for these uses. In order to justify what would ordinarily be considered a significant parking deficit of 75 spaces at peak times, the applicants have provided a detailed matrix (enclosed) showing the differences in peak usage of the site by the tenants. It should be noted that at all times the maximum number of persons will be strictly limited to either 600 or 806, depending on time of use and available parking, inclusive of all tenant spaces (condition number 3 of Exhibit "D"), which corresponds to the amount of parking available and which the applicant has agreed to. Because the peak usage and times vary significantly between the existing banquet halls and the proposed church, staff is recommending approval of this application so long as the conditions of approval regulating the uses, hours of operation, and capacities are followed, including conditions requiring future uses to verify adequate parking before being permitted (condition number 2 of Exhibit "C").

The applicant has proposed to utilize the parking lot of the existing Beauty College across Peralta Boulevard for shared parking, and provided an existing parking agreement (although it does not appear to be a standard City parking agreement form). He has further indicated that the college is closed after 6:00 p.m., at which point the parking becomes available for the project site's use. Staff has conditioned that this parcel be utilized for the parking, and that a standard City form be completed and recorded, or, if the applicant wishes to utilize another parcel, that it meet all applicable requirements of the FMC. However, should the applicant propose to use the currently vacant site to the southwest of the college (APN 501-0536-001-08), full site improvements would be required (condition number 8 of Exhibit "D"). Because this vacant parcel is zoned P(CSPC), Planning Commission and City Council review of a Preliminary and Precise Planned District would be required.

- **Open Space/Landscaping:** Section 8-22145(3) of the FMC requires that church facilities have at least 25% open space area. Because this church is locating in an existing commercial building on a fully developed site, it does not and cannot meet this requirement. Planning and Landscape staff believe that the reduction of this requirement through the Planned District is appropriate given the fact that the site is already fully developed. However, staff has included conditions of approval to minimize the visibility of the parking lot by providing increased landscaping in the open space areas that are currently available. These requirements include placing large canopy trees at a ratio of one tree to three parking stalls around the perimeter of the site (as currently required by the FMC for new development), replacing certain existing, poorly developed palm trees with canopy trees at existing planters at the interior and perimeter of the parking lot, and removing left over wood formwork from interior tree planters installed during a previous parking lot upgrading (condition number 10 of Exhibit "D"). All landscaping shall be reviewed by the Development Organization and shall require appropriate irrigation modifications where necessary.
- **Circulation/Access Analysis:** The existing site is fully improved, and was recently resurfaced. All paving and circulation areas are in good condition and are acceptable for the proposed change in use.

#### **Applicable Fees:**

- **Centerville Specific Plan Fee:** This project is located within Subarea 5 of the Centerville Specific Plan. However, this project does not involve any new development or redevelopment of the site. Centerville Specific Plan fees are therefore not applicable to this project.

**Redevelopment:** This project is within the Centerville Redevelopment Area. Although not directly implementing the area redevelopment plan by bringing in more commercial uses, Redevelopment staff has indicated that the project would not have negative impacts on the future implementation of this goal.

**Waste Management:** This project shall be subject to the provisions of the California Integrated Waste Management Act of 1989 (AB939). The Act requires that 50% of the waste generated in the City of Fremont be diverted from landfill sites by the year 2000. Additionally, the project is subject to the City's Source Reduction and Recycling Element (1992), an Integrated Waste Management Ordinance (1995), and a Commercial/Industrial Recycling Plan (1997). These documents require that any new project for which a building permit application is submitted to include adequate, accessible, and convenient areas for collecting and loading trash and recyclable materials. Any trash/recycling enclosure for the project shall be designed in a manner to be architecturally compatible with nearby structures and with the existing topography and vegetation in accordance with such standards.

**Environmental Analysis:** This project is categorically exempt from the California Environmental Quality Act (CEQA) review per Section 15301; Existing Facilities.

**Response from Agencies and Organizations:** At the time of the publication of this report, Planning staff had not received any comments from outside agencies, organizations, or neighbors. At staff's request the applicant has contacted many of the surrounding businesses and residents, and has provided multiple letters and petitions signed by neighbors supporting the project.

**Enclosures:** Exhibit "A"      Rezoning

Exhibit "B"	Site Plan and Floor Plans
Exhibit "C"	Planned District Conditions of Approval
Exhibit "D"	Planned District Minor Amendment Conditions of Approval
Tree of Life Church/Flamingo and Mirage Banquet Operating Hours Matrix (Informational)	

**Exhibits:**

Exhibit "A"	Rezoning
Exhibit "B"	Site Plan and Floor Plans
Exhibit "C"	Planned District Conditions of Approval
Exhibit "D"	Planned District Minor Amendment Conditions of Approval

**Recommended Actions:**

1. Hold public hearing.
2. Recommend the City Council find the project is exempt from CEQA review per Section 15301; Existing Facilities.
3. Find PLN2003-00005 is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use Chapter as enumerated within the staff report.
4. Find PLN2003-00005, as per Exhibit "B" (site plan and floor plans), fulfills the applicable requirements set forth in the Fremont Municipal Code.
5. Recommend to the City Council approval of the Planned District as shown on the preliminary and precise site plan for PLN2003-00005 as shown on Exhibit "A" (Rezoning) and Exhibit "B" (site plan and floor plans) be approved, based on findings and subject to conditions of approval as set forth in Exhibit "C".
6. Authorize staff to issue the Planned District Minor Amendment to P-2003-5 allowing the church use, subject to the conditions set forth in Exhibit "D", including the requirements set forth in the Planned District zoning, P-2003-5.

**Exhibit "C"**  
**Findings and Conditions of Approval for PLN2003-00005**  
**Tree of Life Planned District – Planned District Rezoning**  
**4100 Peralta Boulevard**

**FINDINGS**

1. The proposed "P" district amendment, or a given unit thereof, can be substantially completed within four years of the establishment of the "P" district because the project site is already fully developed.
2. That each individual unit of development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; that the uses proposed will not be detrimental to present and potential surrounding uses, and will have a beneficial effect which could not be achieved under another zoning district. This Planned District will allow a more efficient use of the site than possible under C-C zoning.
3. That the streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the "P" district because the project is suitably located on the corner of two main arterial streets, Peralta Avenue and Maple Street.
4. Any proposed commercial development can be justified economically at the locations proposed to provide for adequate commercial facilities of the types proposed because the applicant has already proven the economic success of the banquet halls at this location.
5. That any exception from standard ordinance requirements is warranted by the design and amenities incorporated in the precise site plan, in accord with adopted policy of the Planning Commission and City Council because the site will be utilized more efficiently than possible otherwise.
6. That the area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development, which has already taken place because the surrounding area is fully developed.
7. That the "P" district is in conformance with the General Plan because the proposal is consistent with General Plan Policy LU 2.11 and Goal F 8.
8. That existing or proposed utility services are adequate for the population densities proposed because they already exist at the developed site.

**GENERAL CONDITIONS FOR P-2003-5**

1. The project shall conform to Exhibit "B" (Site Plan and Floor Plans) and all conditions of approval set forth herein.
2. Permitted uses shall be all those prescribed under C-C zoning (Section 8-21101 and Section 8-21102). Additionally, conditional uses (Section 8-21103), and also churches with occupancy of over 150 persons in the main hall locating in existing commercial tenant spaces, shall be permitted with a Planned District Minor Amendment reviewed by the Planning Commission and zoning administrator permitted uses (Section 8-21103.1) shall be permitted with a Planned District Minor Amendment reviewed by the Zoning Administrator. Adequate parking must be verified for any future tenant changes.
3. If the Assistant City Manager finds evidence that conditions of approval have not been fulfilled or that the use or uses has or have resulted in a substantial adverse effect on the health, and/or general welfare of users of adjacent or proximate property, or has or have a substantial adverse impact on public facilities or services, the Assistant

City Manager may refer the project to the Planning Commission for review. If, upon such review, the Commission finds that any of the results above have occurred, the Commission may modify or revoke the conditional use.

4. All new development shall comply with the City's Urban Runoff Clean Water Program for new construction in accordance with the NPDES requirements issued by the State's Water Quality Control Board.
5. On-site parking shall not be leased out to any business not located on this property. No other business, organization, group, or otherwise may use the on-site parking for any purpose other than for patronage to tenants on-site. Any exception to this condition requires the written approval of the City of Fremont Zoning Administrator, who may also refer any such proposal to the Planning Commission at his/her discretion.
6. All construction activities shall be limited to the following hours of operation:
  - 7 a.m. to 7 p.m. Monday through Friday
  - 9 a.m. to 6 p.m. Saturday
  - No construction on Sunday

Failure to comply with the above-described hours of operation may result in withholding of inspections and possible construction prohibitions.



**Exhibit "D"**  
**Findings and Conditions of Approval for PLN2003-00005**  
**Tree of Life Planned District – Planned District Minor Amendment**  
**4100 Peralta Boulevard**

**CONDITIONS FOR THE MIRAGE/FLAMINGO PALACE BANQUET HALLS AND TREE OF LIFE CHURCH**

1. All existing or proposed uses shall comply with both the general conditions of P-2003-5 and the specific conditions pertaining to the use, as applicable. Issuance of this permit for the Planned District Minor Amendment to permit the church use is conditioned upon the City Council adopting a Planned District Rezoning for the property to P-2003-5.
2. This Planned District Minor Amendment supercedes all other previous Conditional Use Permits issued for this site, including, but not limited to, U-98-3 and U-98-4.
3. The maximum total occupancy for the site for all uses shall be strictly limited to 806 persons during the hours of 6:00 p.m. to 2:00 a.m. and all day Saturday and Sunday, and 600 persons at all other times (based on available parking); or the maximum occupancy permitted under the applicable building code; or the maximum occupancy authorized under Fire Department assembly permits, whichever is most restrictive.
4. All activities shall take place in the interior of the building(s) and no amplification of music or voice is allowed outside, except as authorized by a special event permits.
5. All parking areas shall be maintained free of debris and garbage. Trash and recycling receptacles shall be provided in parking areas subject to Development Organization review.
6. The occupancy of all uses shall be subject to review and approval by Building and Fire staff. Applicant shall submit appropriate plans and documents to the City of Fremont Development Organization (DO) for review to ensure conformance with relevant codes, policies, and other requirements of the Fremont Municipal Code.
7. The occupancy permitted under this Planned District shall be posted next to the Building Code and/or Assembly Permit occupancies.
8. The property owners involved in the joint use of off-street parking facilities shall provide or submit a legal agreement, approved by the City Attorney as to form and content, guaranteeing that said required parking spaces (no less than 52 off street spaces for the use of the tenants of 4100 Peralta Boulevard between the hours of 6:00 p.m. and 2:00 a.m. weekdays and all day Saturday and Sunday) shall be maintained so long as the use requiring parking is in existence or unless the required parking is provided elsewhere in accordance with the provisions of the FMC and these conditions. Such instrument, when approved as conforming to the provisions of this section by City staff, shall be recorded by the property owner in the office of the county recorder and a copy thereof filed with the Development and Environmental Services Department.

This parking agreement may be entered into with any site that meets the location requirements of Section 8-22005 and all other requirements of the FMC, except that any proposal to locate said parking on the undeveloped property of Assessor Parcel No. 501-0536-001-08 shall require a Preliminary and Precise Planned District application reviewed by Planning Commission and City Council.

If the applicant is unable to obtain a parking agreement for a minimum of 52 parking spaces, the Zoning Administrator may lower the occupancy allowed under condition of approval number 3 to a level corresponding with available parking.

9. The existing freestanding sign at the north corner of the site shall be rehabilitated as follows: The sign structure shall be repainted, and all sign panels shall be replaced with new sign panels, subject to the

review and approval of Planning staff. If a new monument or freestanding sign is proposed, all applicable provisions of the Fremont Municipal Code (FMC) shall be followed.

10. In lieu of the normally required 25% open space for religious facilities, and as justification for the Planned District zoning, the site shall be upgraded as follows:

- a. In 3'x3' parking lot planter islands, left over concrete formwork at the back of curb shall be removed, typical.
- b. Dracena (palm-like plants) shall be removed from the parking lot planter islands that parallel Peralta Boulevard at the end of the parking aisles, and shall be replaced with large canopy trees, typical.
- c. In parking lot planters along property lines adjacent to Peralta Boulevard and Maple Street large canopy trees shall be provided at a ratio of 1 tree per 3 parking stalls along the perimeter of the site.
- d. The planter island at the midpoint of the parking lot along the southern property line has not been planted. A large canopy tree shall be provided.
- e. A 36"-box size multi-trunk tree shall be provided in the planter at the intersection of Peralta Boulevard and Maple Street.
- f. An upgraded irrigation system to accommodate these changes will be required as necessary.

These improvements shall be subject to the review and approval of staff and shall be submitted as a Development Organization (DO) Minor review.

11. All construction activities shall be limited to the following hours of operation:

- 7 a.m. to 7 p.m. Monday through Friday
- 9 a.m. to 6 p.m. Saturday
- No construction on Sunday

Failure to comply with the above-described hours of operation may result in withholding of inspections and possible construction prohibitions.

12. The Mirage and The Flamingo Palace, located at 4120 and 4100 Peralta Boulevard may include restaurant, dinner theatre, and/or banquet operations. The facilities are restaurants and banquet halls intended primarily for private functions and shall not be used as a nightclub with tickets sold primarily at the door. Individual occupancy is limited to 299 persons in the Mirage facility and 555 persons in The Flamingo Palace facility, but **in no case shall the total occupancy for the entire site exceed that established by condition number 3.**

13. The banquet halls shall close no later than 2:00 a.m. All activities shall have ceased and all customers shall have exited the building no later than 2:30 a.m.

14. Security for the banquet halls, when required, shall be present at least thirty minutes before each banquet or event. Monitoring of the parking lot and adjacent areas will continue while the banquet hall is operating and until the last patron has left. A uniformed security guard or guards is required outside the establishment to monitor the two parking lots based on the following table:

- From 6:00 p.m. to 2:00 a.m. and under 300 patrons = no security guard
- From 6:00 p.m. to 2:00 a.m. and between 300 and 550 patrons = one security guard
- From 6:00 p.m. to 2:00 a.m. and over 550 patrons = two security guards

Events beginning before 6:00 p.m. and continuing after 6:00 p.m. shall be regulated by the 6:00 p.m. to 2:00 a.m. requirements.

15. The applicant shall maintain records of the numbers of people attending events at the banquet halls. These records shall be available on the request of the City of Fremont Zoning Administrator.
16. The applicant shall maintain records of the approximate numbers of people attending church events. These records shall be available on the request of the City of Fremont Zoning Administrator.
17. Seating during an event or banquet may be rearranged into different configurations but the total number of seats may not exceed approved use permit limit and the facility may not operate as an auditorium.
18. The applicant may occasionally combine the total occupancy limit of the individual banquet halls (as established by condition number 3) for both 4100 and 4120 Peralta Boulevard in the 4100 Peralta Boulevard facility. The 4120 Peralta Boulevard restaurant/banquet hall shall be closed during such a special event. Should the two businesses have separate owners in the future the ability to combine the use permit limits shall cease.
19. The banquet facilities and church facility shall be limited to the following hours of operation and the following maximum total occupancy (including employees):

Day	Time	Facility	Max. Occupancy
Monday – Friday	7:00 a.m. to 6:00 p.m.	Church	less than 100
		Banquet Halls	less than 500
Monday – Friday	6:00 p.m. to 2:00 a.m.	Church	less than 100
		Banquet Halls	less than 700
Saturday	9:00 a.m. to 6:00 p.m.	Church	less than 300
		Banquet Halls	less than 500
Saturday	6:00 p.m. to 2:00 a.m.	Church	---
		Banquet Halls	less than 806
Sunday	9:00 a.m. to 3:00 p.m.	Church	less than 806
		Banquet Halls	---
Sunday	3:00 p.m. to 2:00 a.m.	Church	---
		Banquet Halls	less than 806

For any times not listed, no more than five employees (no patrons) shall be present. At no time shall the maximum occupancy of the site be more than that established by condition number 3.

# EXHIBIT "B"

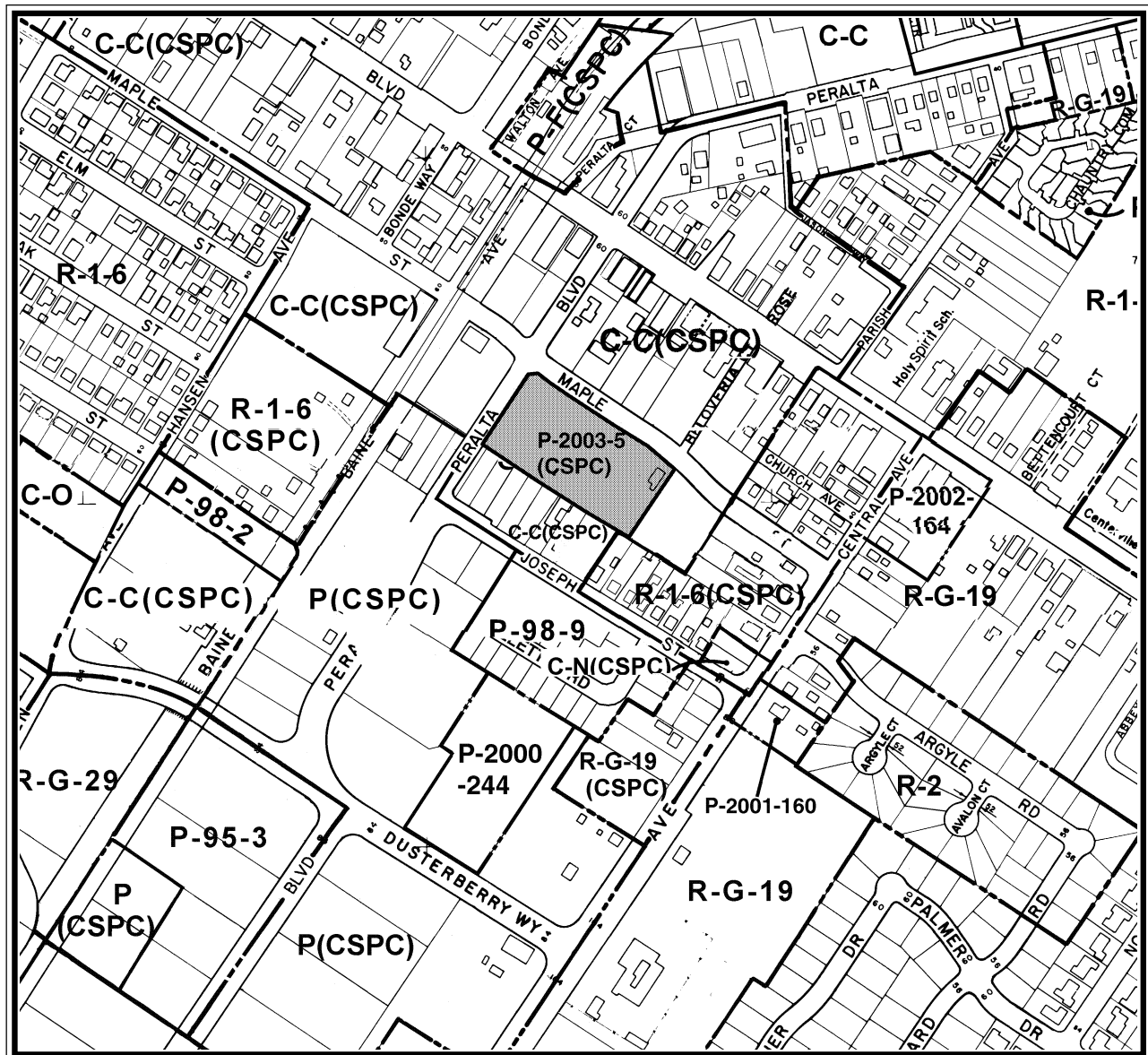
Attached to and made a part of

**Ordinance No.** \_\_\_\_\_

adopted by the City Council of the City of Fremont, California

**On the** \_\_\_\_\_ **day of** \_\_\_\_\_, **2002** .

## ZONING MAP (SECTION) CITY OF FREMONT, CALIFORNIA



From: C-C(CSPC)

To: P-2003-5(CSPC)

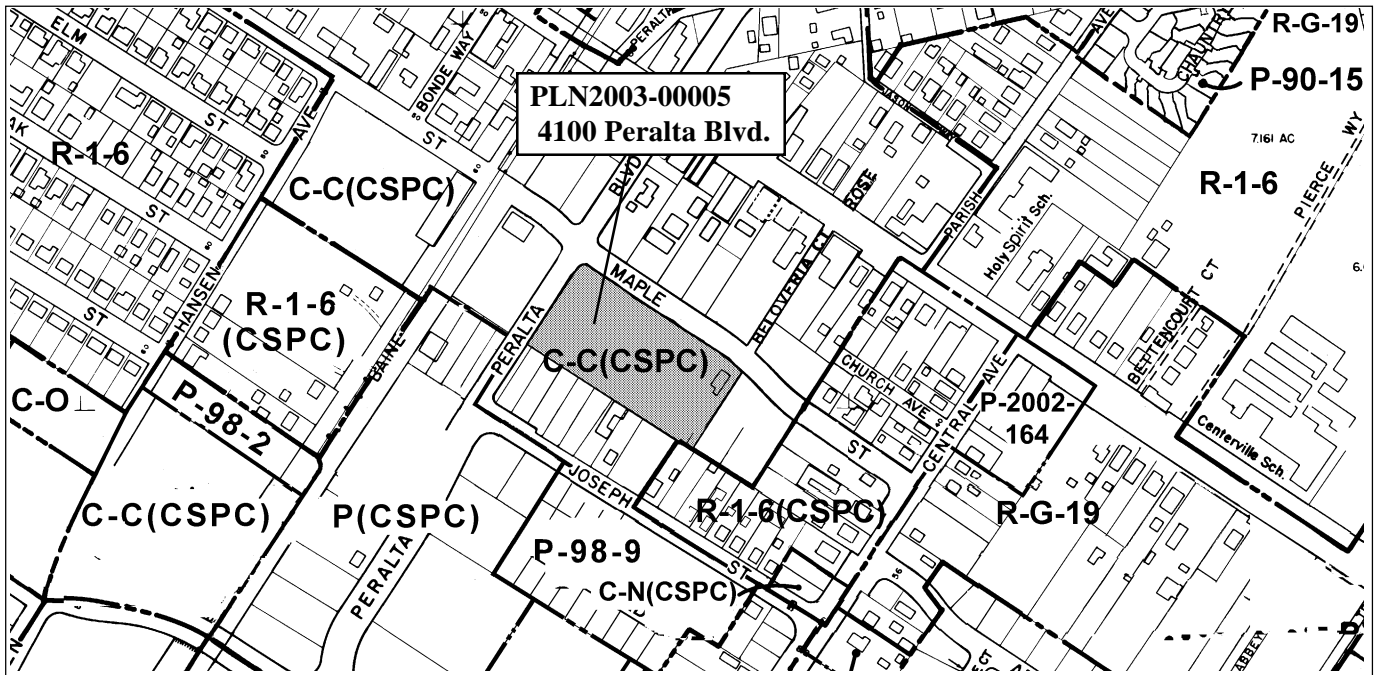
[pc on 10-24-02] 60-388

**AFFECTS ZONING MAP(S)  
FOR THE IRVINGTON PLANNING AREA**

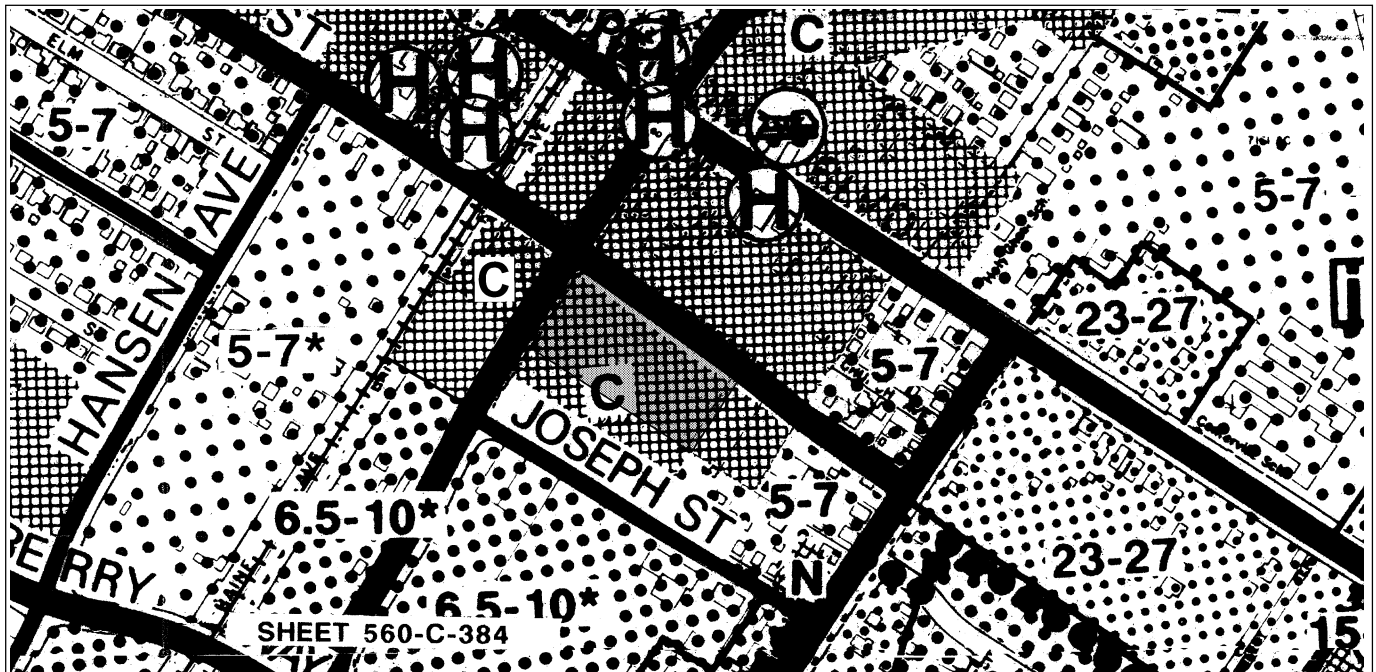
Associated files:

PLN2003-00005 (PD)

# INFORMATIONAL



Existing Zoning



Existing General Plan

**Project Number:** PLN2003-00005 (Rezoning)  
**Project Name:** Tree of Life Church  
**Project Description:** To consider a rezoning from C-C(CSPC) to P-2003-5 (CSPC) for a proposed 300-seat religious facility and existing banquet halls within an existing building located in the Centerville Planning Area.

**Note:** Prior arrangements for access are not required for this site.

